

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:07cr154

UNITED STATES OF AMERICA)	
)	
vs.)	
)	<u>ORDER</u>
)	
KATHLEEN GIACOBBE (2))	
PORFIRIO ORTA-ROSARIO (3))	
CHRISTOPHER OTIKO (5))	
_____)	

THIS MATTER is before the Court following a status conference with counsel for the parties on December 22, 2008.

During the hearing, counsel for defendants Kathleen Giacobbe and Porfirio Orta-Rosario argued that the trial of this case should be continued based on delays in obtaining processed electronic discovery from a vendor. The Court finds that a referral to a magistrate judge would assist in resolving discovery issues and in determining whether a continuance is warranted.

At the hearing before the magistrate judge, the vendor must appear and explain why it is estimated that an additional ninety days are necessary to process the electronic discovery and whether it is possible to provide the defendants information incrementally. Additionally, the government must present a plan to make discovery available for review by defense counsel in advance of the vendor's provision of processed electronic discovery. The magistrate should provide a report to the Court and recommend whether a continuance is justified, and if so, to what date.

IT IS, THEREFORE, ORDERED that this matter is referred to the magistrate judge to conduct a hearing consistent with this order within 30 days, and to report and recommend to the Court as soon as possible after that.

Signed: December 23, 2008

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

